# TOWNSHIP OF BERKELEY HEIGHTS POLICE DEPARTMENT

POLICY AND PROCEDURE

S.O.P.# 14.1.1	STANDARDS #	# OF PAGES:6	REVISION DATE	PAGE #
SUBJECT: EARLY WA	RNING SYSTEM		04/01/2018	1-6
EFFECTIVE DATE: March 1, 2018	6	nn DiPasquale EF OF POLICE		
CROSS REFERENCE:		V		

### POLICY:

An early warning system ("EW System") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EW system can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. EW systems, therefore, serve to not only increase public safety and public confidence in law enforcement agencies, but also to assist officers through early intervention.

It will be the policy of the Berkeley Heights Police Department to utilize a personnel early warning system for tracking and reviewing indicators of increased risk and provide timely, non-punitive intervention in accordance with New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

### PROCEDURE:

## I. GENERAL

A. An early warning system is designed to detect patterns and trends before employee conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management

intervention strategies before negative discipline becomes necessary.

- B. All levels of supervision, especially first line supervisors, are expected to recognize potentially troublesome employees, identify training needs, and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating problems among employees before they result in improper performance or conduct.
- C. Many different measures of employee performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures will include, but are not limited to, the following:
  - Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  - 2. Civil actions filed against the officer;
  - 3. Criminal investigations of or criminal complaints against the officer;
  - 4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;
  - 5. Domestic violence investigations in which the officer is an alleged subject;
  - 6. An arrest of the officer, including on a driving under the influence charge;
  - 7. Sexual harassment claims against the officer;
  - 8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
  - 9. A positive drug test by the officer;
  - 10. Cases or arrests by the officer that are rejected or dismissed by a court;
  - 11. Cases in which evidence obtained by an officer is suppressed by a court;
  - 12. Insubordination by the officer;
  - 13. Neglect of duty by the officer;
  - 14. Unexcused absences by the officer;
  - 15. Any other indicators as determined by the Chief of Police.
- D. The early warning system is primarily the responsibility of the Operations Commander, but any supervisor may initiate the early warning process based upon his/her own observations.

- E. At least every six months, the Chief of Police or a designee shall perform an evaluation of the early warning system to assess its effectiveness.
- F. All written reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.

## II. GUARDIAN TRACKING SOFTWARE

- A. This department will utilize Guardian Tracking software in order to manage, track, and trigger alerts with respect to the personnel early warning system.
- B. Guardian Tracking is an employee behavioral monitoring and early warning system. In no way does it excuse a supervisor or any other employee from following the procedures mandated in Internal Affairs Policy or guideline.
- C. Supervisors shall have access to the Guardian Tracking system via an assigned login and personal password. Employees who have not been issued a login are not authorized to access the system.
- D. All supervisors have the responsibility to enter all incidents listed below for each of their subordinates. Supervisors who fail to document incidents as required by this policy may be subject to disciplinary action.
  - 1. Attendance;
  - 2. Awards/Commendations (after approval);
  - 3. Complaint (criminal or administrative);
  - 4. Early intervention action;
  - 5. Early intervention review;
  - 6. Failure to appear in court or administrative venue when required;
  - 7. Insubordination;
  - 8. Injury on the job;
  - 9. Officer involved collision;
  - 10. Operation & care of equipment;
  - 11. Policy violation;
  - 12. Report writing (Incomplete, Inadequate, Timeliness);
  - 13. Property/vehicle damage;
  - 14. Conduct/Demeanor Violations;
  - 15. Firearms Discharge (not in training environment);
  - 16. Vehicle Search;
  - 17. Vehicle Pursuit;
  - 18. Use of Force;
  - 19. Corrective Actions

E. No member shall utilize the early warning system to document behavior of a superior. This information shall be brought to the attention of their supervisor and forwarded up the chain of command.

## III. REMEDIAL ACTION

- A. If the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking software, or as identified by a supervisor, the Operations Commander or designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking software using the appropriate Early Warning Intervention category.
- B. The Operations Commander or designee will cause a review of the data provided, along with more detailed information available from department records. If this review indicates that the early warning system flag is unwarranted, the Operations Commander or designee will document this result in the system. The incident narrative placed in the Guardian Tracking software may serve as adequate documentation.
- C. If the review reveals that an employee has violated department directives, the Chief of Police may proceed with an internal investigation, if warranted. If the review reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the Operations Commander shall determine the appropriate course of remedial action. All action taken will be documented in the Guardian Tracking software under the previously created Early Warning Intervention Incident category.
- D. Remedial intervention may include, but is not limited to the following:
  - 1. Training or re-training;
  - 2. Counseling;
  - 3. Intensive supervision;
  - 4. Fitness-for-duty examination;
  - 5. Employee Assistance Program (EAP) referral;
  - 6. Any other appropriate remedial or corrective action.
- E. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued when appropriate.
- F. When remedial action has been undertaken, the Chief of Police shall ensure that such actions are documented in

writing. No entry should be made in the employee's personnel file unless the action results in a sustained investigation. If the remedial action is a training program, attendance and successful completion of that program should be noted in the employee's training record.

- G. The Chief of Police shall cause a review of any individual employee's history whenever a new complaint is made. Using this information, the Chief of Police or designee may be able to identify employees who may need counseling, training or other remedial action even before such is indicated by the early warning system's ongoing data review.
- H. Three (3) separate instances of performance indicators (flags) as listed in section I.C. above within any 12-month period will trigger the performance review process. If one incident triggers multiple performance indicators, that incident shall not be double- or triple-counted, but instead shall only count as one performance indicator.
- I. Generally, personnel should expect to remain under monitoring and supervision for three (3) months or more.
- J. When under early warning system monitoring, the employee's direct supervisor shall meet with the employee to discuss the situation in depth to:
  - 1. Identify problems or potential problems;
  - 2. Determine short and long-term goals for improvement;
  - 3. Come to a consensus on a plan for long-term improved performance;
  - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- K. All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking software, which will automatically be forwarded to the Operations Commander. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- L. All regular monthly progress/status reports shall be submitted via the Guardian Tracking software.
- M. An additional three (3) months of documented monitoring is required following removal from early warning system.

  Monthly monitoring reports from the direct supervisor are required.

N. All reports shall be forwarded to the Chief of Police through the Guardian Tracking software for review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

# IV. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

A. If any Berkeley Heights police officer who has been subject to an EW system review process applies to or accepts employment at a different law enforcement agency, the different law enforcement agency will be provided the officer's EW system review process history and outcomes upon request.

# V. NOTIFICATION TO UNION COUNTY PROSECUTOR

- A. Upon initiation of the EW system review process for performance measures listed in section I.C. above, the Chief of Police shall make confidential written notification to the Union County Prosecutor or his/her designee of:
  - 1. The identity of the subject officer;
  - The nature of the triggering performance indicators; and
  - 3. The planned remedial program.
- B. Upon completion of the EW system review process, the Chief of Police shall make confidential written notification to the Union County Prosecutor or his/her designee of the outcome of the EW system review, including any remedial measures taken on behalf of the subject officer.
- C. All written reports created or submitted to the Union County Prosecutor pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.